REMARKS

In response to the non-final Official Action of August 24, 2009, claims 1, 7, 12, 20, 25, 26, and 28 have been amended in a manner which is believed to particularly point out and distinctly claim the invention. The claims have also been amended for grammatical reasons.

Support for the amendment to the independent claims is found in the original application as filed, including page 10, line 30 through page 11, line 14 of the published PCT application (WO 2005/086432).

Claim Rejections - 35 USC §102

At sections 6-19, claims 1-5, 11, 31, and 32 are rejected under 35 USC §102(b) as anticipated in view of international patent application publication WO 00/67435, Karlsson, et al (hereinafter Karlsson).

With respect to claim 1, it is asserted that Karlsson discloses a method comprising the actions recited in claim 1 with specific reference to Figure 1 and pages 7, 8, and 13 of Karlsson. Karlsson is directed to a system for transmission of data between at least two units adapted to inter-communicate, the system comprising several possible communication routes having different characteristics. In Karlsson, the transmission unit gathers information on the characteristics on the possible communication routes and on the basis of that information and of a given optimizing condition given by the user, it divides the flow of data among at least two of the communication routes whereas the receiver unit in a corresponding manner recombines the data flow (Karlsson, Abstract).

More particularly, in Karlsson, data is transferred from server 6 to client 1 in form of data packets. The server is capable of gathering information regarding the characteristics of the possible communication routes and it can decide before the data transferring to route the data packets through e.g. stationary telephone link 4 and mobile link 3 based on the gathered information (page 10, line 2 through page 11, line 27).

Therefore, Karlsson lacks the feature of "establishing, during a transfer of a data aggregate through the first connection, at the destination device a second connection to the data source via a wireless communications device operable in a wireless communications network".

Also, Karlsson does not mention data dividing in the server during the data transfer and receiving, by the client, the data portions divided during the data transfer through two communication links.

Thus, Karlsson lacks the feature of "receiving one portion of the data aggregate divided into portions through the first connection and another portion of the data aggregate divided into portions through the second connection" as set forth in amended claim 1.

Overall, Karlsson does not describe dividing the data, establishing a new additional data transfer route, or utilizing the additional data transfer route during a triggered data transfer process, whereas in the invention of the current application as set forth in amended claim 1, a triggered data transfer is actively monitored during the transfer process and, if it is needed, a new connection for data transferring is established or one of existing connections is disconnected.

These aforesaid features provides more flexibility to the data transfer so that data transfer resources can be adapted according to a current level of the data transfer.

Therefore, Karlsson does not disclose or suggest the method of amended claim 1.

Dependent claims 2-5, 11, 31, and 32 are also believed to be neither anticipated nor suggested by Karlsson at least in view of their ultimate dependency from amended claim 1.

Claim Rejections - 35 USC §103

At sections 20-41, claims 12-30 and 33-34 are rejected under 35 USC §103(a) as unpatentable over Karlsson further in view of international patent application publication WO 02/098057, Ramaswamy, et al (hereinafter Ramaswamy).

With respect to independent device claim 12, the Office asserts that Karlsson discloses a device operable in a fixed communications network having the features of claim 12 except that Karlsson fails to disclose a processor for processing instructions and a memory for storing data. Ramaswamy is cited for disclosing a processor for processing instructions and a memory for storing data.

Claim 12 has been amended in a manner similar to claim 1 and it is therefore respectfully submitted that Karlsson fails to disclose the features of claim 12 as set forth above with regard to claim 1, including a data transfer module configured to establish, during a transfer of data aggregate through the first connection, a second connection to the data source via a wireless communication device operable in a wireless communication network. Karlsson also fails to disclose or suggest a data transfer module configured to receive one portion of the data aggregate divided into portions through the first connection and another portion of the data aggregate divided into portions of the second connection, as well as a processing unit configured to join said portions of the data aggregate together to reconstruct said data aggregate.

Ramaswamy fails to make up for the deficiencies in Karlsson. Therefore, it is respectfully submitted that amended claim 12 is distinguished over Karlsson in view of Ramaswamy.

Dependent claims 14-29 are also believed to be patentable over Karlsson in view of Ramaswamy at least in view of their ultimate dependency from amended claim 12.

Dependent claim 13 is canceled in view of the amendment to claim 12.

Independent system claim 30 and electronic device claims 33 and 34 are canceled without prejudice.

In view of the foregoing, it is respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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